

R marks

I. Rejection of Claims 39 and 40 under 35 USC 112

The Examiner has rejected Claims 39 and 40 under 35 USC 112 as being indefinite.

Claims 39 and 40 have been amended to recite “the indicia displaying step,” which is believed to correct the indefiniteness.

II. Rejection of Claims 38–61 under 35 USC 103(a)

The Examiner has rejected Claims 38–61 under 35 USC 103(a) as being unpatentable over Collins in view of Barton.

Independent Claims 38, 48, and 53 have been amended to more particularly point out that which Applicant regards as his invention. The Examiner has indicated that the independent claims have not been cast as a business method, since the do not contain recitation of the “advertising aspect of the invention.” Therefore, the transactional aspect of the invention has been more particularly recited in the amended claims. Specifically, the advertising indicia are now recited as being “related to an entity.” This terminology is used since the invention is contemplated not just for generating sales, for example, but also for raising awareness of an entity that itself may not be for sale *per se*, such as a sports team.

An additional step recites an effect on a potential “customer,” to use the term broadly, namely, “facilitating an awareness of the advertising entity in the person in the person” moving through the turnstile passageway.

As the Examiner has indicated, Collins does not teach the use of displayed indicia on the arm of a turnstile. Barton is not directed to a turnstile, nor are the indicia described

therein intended to perform an advertising function. Therefore, neither Collins nor Barton, alone or in combination, is believed to teach or suggest the business/advertising method recited in independent Claims 38, 48, and 53, which are thus believed patentable over the cited art.

As Claims 39-47, 49-52, and 54-61 depend, directly or indirectly, from independent Claims 38, 48, and 53, it is respectfully believed that these claims are also patentable over the cited art.

As support for the nonobviousness of Applicant's advertising method, Exhibits A-Q are presented herewith, which speak to a satisfaction of a long-felt need for such an "alternative" form of advertising. Exhibits A-G are copies of journal and newspaper articles specifically related to Applicant's invention and its novelty and effectiveness. Exhibits H-M are copies of letters to the Applicant attesting to the effectiveness of Applicant's invention at particular venues. Exhibits N-R are copies of articles on general subject of "alternative" or "out-of-home" advertising, and the need for novel concepts in advertising.

Summary and Conclusion

Claims 38-61 remain in the case, Claims 38, 48, and 53 being independent, Claims 38-40, 48, and 53 having been amended. If further prosecution of this application can be facilitated through a telephone conference between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Attached hereto is a marked-up version of the changes made to the specification

and claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231, this 9th day of October, 2001.



Edward Bradley



VERSION WITH MARKINGS TO SHOW CHANGES MADE

38. (amended) An advertising method [including a turnstile having an arm rotatably carried thereby for blocking a passageway, the method] comprising the steps of:
displaying advertising indicia related to an entity on [the] a turnstile arm [for viewing by a person moving through the passageway], the arm rotatably carried by the turnstile for blocking a passageway; and
facilitating an awareness of the entity via the advertising indicia in a person moving through the passageway.

39. (amended) An advertising method according to claim 38, wherein the indicia displaying step includes carrying the indicia on a sheet and attaching the sheet to the arm.

40. (amended) An advertising method according to claim 38, wherein the indicia displaying step includes placing a cover only on an arm distal end, which arm distal end is carried within the passageway.

48. (amended) An advertising method employing a turnstile, the turnstile having a housing and at least one arm rotatably carried by the housing, the at least one arm having an arm proximal end operable with the housing and an arm distal end extending into a passageway adjacent the housing, the method comprising the steps of:

slidably attaching a sleeve only on the at least one arm distal end and spaced from the at least one arm proximal end for positioning within the passageway, the sleeve receiving the at least one arm therein;

carrying advertising indicia related to an entity by the sleeve; [and]
positioning the indicia for viewing by persons moving through the passageway; and
facilitating an awareness of the entity via the advertising indicia in a person moving through the passageway.

53. (amended) An advertising method including a turnstile having an arm rotatably carried thereby for blocking a passageway, the method comprising the steps of:
displaying advertising indicia related to an entity on the arm; and
permitting [viewing] the advertising indicia to be viewed by a person moving through the passageway, thereby facilitating an awareness of the entity via the advertising indicia in the person.